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04 JUN 3 PM 3 30
June 3, 2004
TN REGULATORY AUTHORITY
DOCKET ROOM

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VIA HAND DELIVERY

Hon. Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

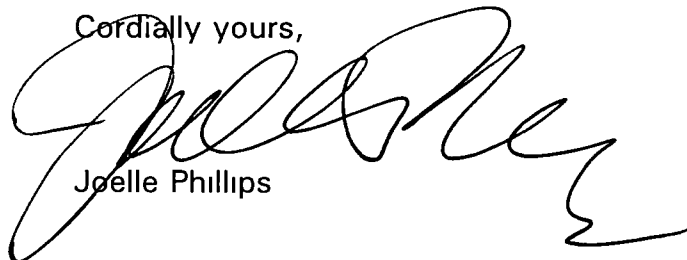
Re: *BellSouth's Motion for the Establishment of a New Performance Assurance*
Docket No. ~~01-00150~~ 04-00150

Dear Chairman Tate:

Enclosed are the original and fourteen copies of *BellSouth's Motion to Close Docket*.

Copies of the enclosed are being provided to counsel of record.

Cordially yours,



Joelle Phillips

JJP/mrd

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

June 3, 2004

In Re: *BellSouth's Motion For The Establishment Of A New
Performance Assurance*
Docket 04-00150

MOTION TO CLOSE DOCKET

On May 13, 2004, BellSouth filed a motion in Docket 97-00309 for the adoption of a new performance assurance plan, as it was entitled to do pursuant to the order implementing the 271 Settlement in that docket. BellSouth believes that Docket 97-00309 is the appropriate docket in which to review this matter, and no party has objected to addressing these matters within this docket. In fact, in its response filed on May 20, 2004, CompSouth expressly noted its agreement that Docket 97-00309 is the proper docket which to evaluate BellSouth's petition or "any Motion to amend the current plan", in light of the significant record already established in that docket. See CompSouth Response at page 2, note 2. Consequently, there was never any need to address BellSouth's filing in any other docket, and BellSouth believes that the opening of a new docket (04-00150) was merely a procedural error. Similarly, there is no need for activity related to this matter to be conducted in Docket 01-00193.

There is no advantage to be gained by, nor are there procedural rules requiring, the use of multiple dockets to consider the issues relating to BellSouth's motion. Rather, BellSouth believes that the best course is for all such review to occur within a single docket in order to avoid the potential for inconsistency,

substantial duplication of efforts, and confusion. Consequently, BellSouth urges the Authority to close this docket. The Authority has consistently demonstrated its commitment to consistent orders and avoiding, whenever possible, the potential for inconsistent results resulting from separate dockets. In this instance, these goals will best be accomplished by proceeding only in Docket 97-00309 and by closing the other two dockets.

BellSouth objects to any treatment of its motion that would bifurcate the relief sought into more than one docket. Rather BellSouth believes it is appropriate that these matters to be resolved solely in Docket 97-00309, the docket in which the motion was properly filed. For these reasons, BellSouth moves for this docket to be closed.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

A large, stylized handwritten signature in black ink, appearing to read 'Guy M. Hicks', is written over the printed name and address.

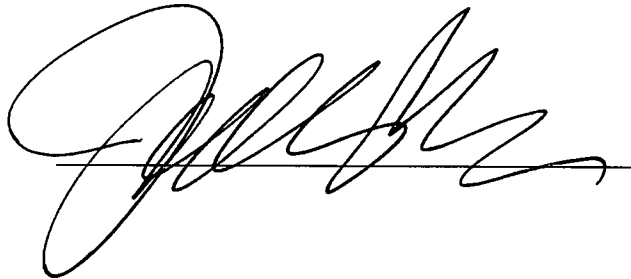
Guy M. Hicks
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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2004, a copy of the foregoing document was served on the following, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

Henry Walker, Esquire
Boult, Cummings, et al.
414 Union Street, #1600
Nashville, TN 37219-8062
hwalker@boultcummings.com

A handwritten signature in black ink, appearing to read "H. Walker", is written over a horizontal line.